

REMARKS

Claims 13-23 are currently pending in the above-identified application. Claims 13-23 are canceled. Claims 24-43 are added. Support for these amendments is identified in the following remarks. No new matter has been added by these amendments.

Information Disclosure Statement

Applicant respectfully requests that the Examiner expressly consider and initial the references of record in the attached Information Disclosure Statement and that the references appear among the references cited on any patent that issues.

Amendment to the Specification

Applicants have amended paragraph [26] to correct a typographical error (i.e., incomplete sentence) to the last sentence of the paragraph. The amended paragraph [26] provides the same subject matter of the corresponding paragraphs in the parent applications. Since the parent applications were incorporated by reference into the present application, the amendment to paragraph [26] does not introduce new matter.

Objection to Priority

The present application is a continuation of U.S. Patent Application No. 10/124,573, filed April 16, 2002, which is a divisional of U.S. Patent Application No. 09/104,935, filed June 25, 1998 (now U.S. Patent No. 6,413,264); which is a continuation of U.S. Patent Application No. 08/824,977, filed March 27, 1997 (now 5,814,038); which is a continuation of U.S. Patent Application No. 08/487,020 filed June 7, 1995 (hereinafter referred to as "the parent applications").

As noted in the Preliminary Amendment dated July 28, 2003, FIG. 10 and the corresponding description of FIG. 10 that was added to the present application was incorporated by reference by from U.S. Patent Application Serial No. 08/823,932, filed January 21, 1992. U.S. Patent Application Serial No. 08/823,932 was incorporated by reference in all of the parent applications.

As stated in MPEP 608.01(p)(I)(B), "[n]either U.S.C. § 119(a) nor 120 places any restrictions or limitations as to how the claimed invention must be disclosed in the earlier application to comply with 35 U.S.C. § 112, first paragraph. Accordingly, an application is entitled to rely upon the filing date of an earlier application, even if the earlier application itself incorporates essential material by reference to another document."

Consequently, because U.S. Patent Application Serial No. 08/823,932 was also incorporated by reference in each of the parent applications, each of the parent applications is sufficient to comply with the requirements of the first paragraph of 35 U.S.C. § 112. Therefore, Applicants believe that the present application properly has priority to the earliest parent application.

Objection to the Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. While Applicants do not agree with the rejection, to expedite prosecution, Applicants have canceled claim 21. The objection to the specification should now be moot.

Claim Objections

Claims 17-20 are objected to for informalities. Applicants have canceled claims 17-20. The objection to claims 17-20 is moot.

Claim Rejections under 35 U.S.C. §102

Claims 13-16 and 19-23 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Green (U.S. Patent No. 5,808,665). Claims 13, 17 and 18 are also rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Green. While Applicants do not agree or acquiesce to the Examiner's rejections, to expedite prosecution of the present application Applicants have canceled claims 13-16 and have added in new claims 24-43. Therefore, the rejections of claims are moot. Applicants reserve the right to pursue the subject matter of original claims 13-23 in a continuation or continuation-in-part application.

New Claims

In order to more fully claim the novel aspects of the present invention, Applicants have added new claims 24-43. New independent claim 24 provides a surgical instrument comprising an elongate member comprising a proximal portion, a bendable and steerable distal portion, and an inner lumen. An end effector is coupled to the bendable and steerable distal portion of the elongate member. An actuator assembly is coupled to the proximal portion of the elongate member. The actuator assembly comprises a linkage positioned within the inner lumen, wherein a first end of the linkage is coupled to the end effector and a second end of the linkage is releasably coupleable to a robotic manipulator assembly.

New independent claim 38 provides a robotic surgical system that comprises a manipulator assembly comprising an instrument holder and a surgical instrument comprising. The surgical instrument comprises an elongate member that has a proximal portion, a bendable and steerable distal portion, and an inner lumen. An end effector is coupled to the bendable and steerable distal portion of the elongate member. An actuator assembly is coupled to the proximal portion of the elongate member. The actuator assembly comprises a linkage positioned within the inner lumen, wherein a first end of the linkage is coupled to the end effector and a second end of the linkage is releasably coupleable to the instrument holder of the manipulator assembly.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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